

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE

The meeting was called to order by Chairman Tom Sloan at 3:30 p.m. on March 17, 2004 in Room 231-N of the Capitol.

All members were present except:

Representative Annie Kuether- excused

Committee staff present:

Mary Galligan, Legislative Research

Debra Hollon, Legislative Research

Art Griggs, Revisor of Statutes

Susan Allen, Committee Secretary

Conferees appearing before the committee:

Others attending:

See Attached List.

The Chairman asked the Committee to review a letter drafted to Legislative Educational Planning Commission and the Legislative Coordinating Council (Attachment 1).

Representative Storm moved to approve the minutes of January 26, January 28, February 2, February 4, February 9, February 16, February 18, February 23, March 3 and March 8. The motion was seconded by Representative Horst. The motion carried.

SB 540 - Prohibiting the use of social security numbers on student and employee identification cards at postsecondary educational institutions.

Chairman Sloan opened discussion on **SB 540**.

Representative Neighbor moved to pass out favorably SB 540. Representative Horst seconded the motion. After discussion, the motion carried.

Chairman Sloan asked Representative Neighbor to carry the bill to the House of Representatives.

HB 2627 - U.S. Military; benefits relating to persons killed in the military.

The Chairman opened discussions on **HB 2627**.

Representative Storm moved to insert New Section 3 and New Section 4 of Substitute for HB 2626 into HB 2627. The motion was seconded by Representative Neighbor. After discussion, the motion carried.

Representative Pottorff moved to adopt an amendment to HB 2627 which would allow county commissioners of any county to collect fees imposed on real property to be used for program support or services of one or more technical colleges in Kansas (Attachment 2). The motion was seconded by Representative Reitz. After discussion, the motion failed.

Representative Storm moved to adopt balloon language to HB 2627 (Attachment 3). The motion was seconded by Representative Horst. After discussion, The motion carried.

Representative Storm moved to insert Section 1 of Substitute for HB 2626 into HB 2627. The motion was seconded by Representative Carlin. After discussion, the motion carried.

Representative Krehbiel moved to change Section 1 (7) (24) of HB 2627 to read "as a result of serving in the United States". The motion was seconded by Representative Horst. After discussion, the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE at 3:30 p.m. on March 17, 2004 in Room 231-N of the Capitol.

Representative Horst moved to replace the word "spouse" with the words "unmarried spouse" in **HB 2627**. The motion was seconded by Representative Pottorff. After discussion, the motion carried.

Representative Carlin moved to add the definition of "spouse as used in this section to mean unmarried spouse" to **Section 1, HB 2627**. The motion was seconded by Representative Horst. After discussion, the motion carried.

Representative Neighbor moved to add to **Section 1, HB 2627** the definition of service to be "service as used in this section to mean active State or Federal service." The motion was seconded by Representative Horst. The motion carried.

Representative Storm moved to pass out favorably **HB 2627 as amended**. The motion was seconded by Representative Neighbor. The motion carried.

Chairman Sloan asked Representative Everett Johnson carry **HB 2627** to the floor.

Representative Hill moved to add a "come home and grow with Kansas" section to the letter to LCC and LEPC for further study. The motion was seconded by Representative Horst. The motion carried.

Representative Carlin moved to reconsider **SB 540**. The motion failed for lack of a second.

With no further amendments or discussion, Chairman Sloan adjourned the meeting at 4:15 p.m.

TO: LCC, LEPC

Ladies and Gentlemen:

The House Higher Education Committee over the past two years has heard a tremendous amount of testimony addressing the state of higher education in Kansas. Several issues brought to the Committee require more time than was available during the legislative session to fully determine the best solution. Therefore, we request that the following three study topics be assigned to the Legislative Education Planning Committee or to a Special Committee on Higher Education be appointed by the LCC to make recommendations to the 2005 Legislature. If a Special Committee is appointed, we suggest that it be composed of members of this Committee, the Senate Education Committee, the House Appropriations Committee and the Senate Committee on Ways and Means.

1. **Health Insurance for Adjunct Faculty.** The Committee identified a class of employees that is currently unable to participate in the state's group health insurance plan. These employees teach at several institutions, but their employment at any one school does not constitute a full time equivalent position. While their cumulative teaching load equates to a full time appointment, they remain ineligible for health insurance through any one of their employing institutions. The Board of Regents stated that making health insurance available to all employees is important, but the Board could not easily provide a recommendation for how to provide coverage to this particular group of employees. The Committee requests a study to identify the number of persons who are in this situation and a proposal to provide them with health insurance.

2. **Financing Issues.** Several higher education funding issues have come to the Committee's attention this biennium. It is the Committee's understanding that these issues will not be included in the NORED higher education funding study being sought by the Board of Regents. The Committee requests examination of the following issues during the 2004 interim:
 - a. "Crumbling Classrooms" – identification of a dedicated funding source for universities, community colleges, and technical colleges to maintain the existing taxpayer financed infrastructure.
 - b. Technology Upgrades – identification of a mechanism by which universities, community colleges, and technical colleges can finance replacement equipment on a regular schedule so that students are prepared for the workplace – in a laboratory, factory or small business.
 - c. Distance Education – identification of a strategy by which curricula offered at one institution can be provided to students at other Kansas community colleges, technical colleges, and universities. The study should include a recommendation of a plan for inclusion of distance education credits in students' transcripts of work at their "home" institution.

House Higher Education Committee

Meeting Date: 3-17-04

Attachment No.: 1

- d. Funding Health Care Professions – identification of funding options for high cost (due to the need for specialized equipment and high teacher-student ratios) medical, nursing, dental, and other health care programs at universities, community colleges, and technical colleges. The Higher Education Committee recognizes that those programs benefit the entire state and is concerned that lack of adequate funding will result in additional problems for our health care delivery system. The scope of this study should include the KU Medical Loan Program.
3. **Tuition.** In regard to systemwide residency and tuition issues, we specifically request studies of:
 - a. The advisability of establishing a uniform residency policy so that students are able to rely upon a determination of residency status for purposes of tuition regardless of the university in which they enroll.
 - b. The impact of providing reduced tuition rates for institution employees' (faculty and staff) spouses and dependents. The study should include an examination of options for repayment of the value of the education benefit in the event employment with the institution is terminated.

Finally, we request approval of a three day tour of postsecondary educational institutions by the LEPC and the House Higher Education and Senate Education Committees. We believe that all three committees will benefit tremendously from an onsite visit with the professionals who are preparing our next generation of leaders. We envision this information gathering effort would be arranged and conducted like the Appropriations/Ways and Means Committees' Biennial Tour.

Sincerely,

Rep. Tom Sloan,
Chair, House Committee
On Higher Education

Rep. Deena Horst,
Vice-Chair

Rep. Sue Storm,
Ranking Minority Member

Section 1. Each county may provide for technical college capital improvements, maintenance and technology and shall have the power to levy fees and charges upon persons eligible for receiving technical college services. On or before the first day of July of each calendar year, the board of county commissioners of any county, may, by resolution establish a schedule of fees to be imposed on real property within the county, revenue from such fees to be used for program support services of one or more technical colleges in Kansas. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees and may authorize different fees on different classifications of property. The fees may be established, billed, and collected on a monthly, quarterly or yearly basis. Fees collected on a yearly basis may be billed on the ad valorem tax statement. Prior to the collection of any fees levied on real property by the board under this section, the board shall notify affected property owners by causing a copy of the schedule of fees to be mailed to each property owner to whom tax statements are mailed in accordance with K.S.A. 79-2001, or any amendments thereto.

Any fees authorized pursuant to this section which remain unpaid for a period of sixty (60) or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) At least once a year the board of county commissioners shall cause to be prepared a report of delinquent fees. The board shall fix a time, date, and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the property owners listed on the report not less than ten (10) days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of property owners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county clerk of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such assessment.

House Higher Education Committee

Meeting Date: 3-17-04

Attachment No.: 2

PROPOSED AMENDMENT
(Sections 3 & 4 from Substitute for HB 2626)

New Sec. _____. (a) Whenever authorized personnel in the registrar's office of a state educational institution have determined that an individual qualifies as a resident for fee purposes pursuant to subsection (a) of K.S.A. 76-729 and amendments thereto, such individual shall be considered as a resident for fee purposes at any state educational institution.

(b) In the event facts pertaining to any individual have changed regarding a necessary element relating to the determination that an individual qualified as a resident for fee purposes as described in subsection (a), then the original determination shall no longer be binding on any state educational institution.

(c) As used in this section, "state educational institution" means the university of Kansas, Kansas state university of agriculture and applied sciences, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(d) The provisions of this section shall be controlling over any conflict with the provisions of K.A.R. 88-2-1, and amendments thereto.

(e) The provisions of this section shall apply retroactively to residence determinations made by registrars' officers from and after January 1, 2003, and shall expire on July 1, 2005. The difference between out-of-state tuition paid and the established resident fee shall be refunded to any individual to whom subsection (a) applies.

New Sec. _____. (a) Whenever authorized personnel in the registrar's office of a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, has made a determination that an individual qualified as a resident for fee purposes pursuant to subsection (a) of K.S.A. 76-729, and amendments thereto, and a subsequent determination of another state educational institution differs, an applicant may appeal the second determination to the chief executive officer of the Kansas board of regents, or its designee, if such determination is within 12 months of the prior determination.

(b) Any such appeal shall be submitted in writing no later than 15 days following receipt of notification of the determination to be appealed.

(c) Regents residency officers shall cooperate with the appeal and provide full copies of the applicants' applications for residency determination.

(d) The chief executive officer of the Kansas board of regents may request additional information of the applicant.

(e) A final determination of the conflict shall be made no later than 30 days following the receipt of application.

(f) The provisions of this section shall control conflicting fee determinations when at least one determination was made subsequent to July 1, 2004.

(g) The Kansas board of regents is authorized to adopt additional rules and regulations regarding this process.

HOUSE BILL No. 2627

By Representatives E. Johnson, Dahl, Goico, Huebert, Huy, Long-
Mast, Showalter, Siegfried and Swenson

1-28

AN ACT relating to United States military personnel; ~~concerning taxation of certain death benefits, compensation and income~~ authorizing certain tuition and fee waivers; amending K.S.A. 2003 Supp. 75-4364 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

~~Section 1. Notwithstanding any other section of the Kansas income tax act, the spouse or dependent of any legal resident of Kansas who is killed on or: (a) After March 1, 2003, while serving in the United States military shall not be required to pay state income taxes on any death benefit paid by the federal government.~~

~~(b) Any income or other compensation paid to any legal resident of Kansas who is killed on or after March 1, 2003, while serving in the United States military and is paid or payable after the death of such individual shall not be subject to Kansas income taxation.~~

~~(c) Any such death benefit, income and compensation shall not be considered gross income and shall not be taxable for Kansas income tax purposes.~~

~~Section 2. K.S.A. 2003 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:~~

~~(1) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, and technical colleges.~~

~~(2) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.~~

~~(3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.~~

Section 1.

1 shall cause such warrant to be delivered to the Kansas educational institution at which *any* such eligible dependent ~~or dependents or spouses~~ are enrolled. If an eligible dependent ~~or spouse~~ discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent ~~or spouse~~ would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent ~~or spouse~~ for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

or prisoners of war

or prisoner of war

12 (d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents *and spouses* of public safety officers *or United States military personnel* and the eligibility of such persons for the benefits provided for under this section.

17 Sec. ~~3~~ K.S.A. 2003 Supp. 75-4364 is hereby repealed. 2.

18 Sec. ~~4~~ This act shall take effect and be in force from and after its publication in the statute book. 3.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

3-3

1 (4) "Firefighter" means a person who is: (1) Employed by any city,
2 county, township or other political subdivision of the state and who is
3 assigned to the fire department thereof and engaged in the fighting and
4 extinguishment of fires and the protection of life and property therefrom;
5 or (2) a volunteer member of a fire district, fire department or fire
6 company.

7 (5) "Emergency medical services attendant" means a first responder,
8 emergency medical technician, emergency medical technician-interme-
9 diate, emergency medical technician-defibrillator or a mobile intensive
10 care technician certified by the emergency medical services board pur-
11 suant to the statutory provisions contained in article 61 of chapter 65 of
12 Kansas Statutes Annotated.

13 (6) "Dependent" means (A) a birth child, adopted child or stepchild
14 of a public safety officer or (B) any child other than the foregoing who is
15 actually dependent in whole or in part on a public safety officer the in-
16 dividual and who is related to the public safety officer such individual by
17 marriage or consanguinity.

18 (7) "State board" means the state board of regents.

19 (b) Every Kansas educational institution shall provide for enrollment
20 without charge of tuition or fees for: (1) Any dependent or spouse of a
21 public safety officer who died as the result of injury sustained while per-
22 forming duties as a public safety officer so long as such dependent or
23 spouse is eligible; ~~and~~ (2) any dependent or spouse of any legal resident
24 of Kansas who is killed on or after March 1, 2003, while serving in the
25 United States military. Any such dependent or spouse shall be eligible
26 for enrollment at a Kansas educational institution without charge of tui-
27 tion or fees for not to exceed eight semesters of undergraduate instruc-
28 tion, or the equivalent thereof, at all such institutions, in the aggregate,
29 for any such dependent or spouse.

30 (c) Subject to appropriations therefor, any Kansas educational insti-
31 tution, at which enrollment, without charge of tuition or fees, of ~~the~~ de-
32 pendent of a deceased public safety officer or spouse is provided for under
33 subsection (b), may file a claim with the state board for reimbursement
34 of the amount of such tuition and fees. The state board shall be respon-
35 sible for payment of reimbursements to Kansas educational institutions
36 upon certification by each such institution of the amount of reimburse-
37 ment to which entitled. Payments to Kansas educational institutions shall
38 be made upon vouchers approved by the state board and upon warrants
39 of the director of accounts and reports. Payments may be made by issu-
40 ance of a single warrant to each Kansas educational institution at which
41 one or more eligible dependents or spouses are enrolled for the total
42 amount of tuition and fees not charged ~~[eligible dependents or spouses]~~
43 for enrollment at that institution. The director of accounts and reports

(8) "Military service" means any active service in any armed service of
the United States and any active federal service in the Kansas army or air
national guard;

(9) "prisoner of war" means a person who was a prisoner of war under
Article 4 of the third Geneva Convention and any individual who was in
military service in an armed conflict and who was taken prisoner of war by
opposing forces, whether or not under an official declaration of war; and

(10) "resident of Kansas" means a person who is a domiciliary resident
as defined by K.S.A. 76-729, and amendments thereto.

; and (3) any prisoner of war

and any prisoner of war

a prisoner of war or a

or prisoners of war